THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION No.6923 OF 2005

Dt: 29.08.2005

Between:

G.Nageswara Rao, S/o.Venkata Subba Rao

Occ: B.Ed., Asst., (Maths)

Sardar Sri Vegulla Veeraraju Municipal Upper

Primary School, Mandapeta

East Godavari District … PETITIONER

AND

J.Chiranjeevi, S/o.Achaiah

Occ: Head Master, Jawaharlal Municipal High School

Mandapeta, East Godavari District and others … RESPONDENTS

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION No.6923 OF 2005

ORDER: **(per the Hon'ble Smt.Justice T.Meena Kumari)**

This Writ Petition is filed by the petitioner challenging the Orders, dated 04.06.2002, passed in O.A.No.3426 of 1999 as confirmed in the Order in Rev.M.A.No.3954 of 2002 dated 09.12.2004 and to declare the proceedings in Roc.No.996/93-C3 dated 24.06.2002 issued by the 9th respondent as illegal and arbitrary and consequently to restore the seniority of the petitioner over and above the unofficial respondents.

The petitioner herein is the fifth respondent and respondents 1 to 6 herein are the applicants in the above said O.A.

It is the case of the petitioner that respondents 1 to 6 while they were working as Headmasters/School Assistants in East Godavari District filed O.A.No.3426 of 1999 before the Andhra Pradesh Administrative Tribunal, Hyderabad praying to call for the records relating to the Government Memo No.00144/Ser.II-1/99-1, Education dated 22.04.1999 and the consequential seniority list of B.Ed., Assistants of Mandapeta Municipality communicated by the Commissioner, Mandapeta Municipality in proceedings Roc.No.996/92/C1, dated 01.06.1999 and to quash the same and consequently to declare that they are entitled for fixation of seniority in the cadre of School Assistant above the petitioner and the said O.A. was disposed of in terms of the Orders, dated 04.05.2000, passed by the Tribunal in O.A.No.3037 of 1999 and batch. According to the petitioner, the said Orders are erroneous as the direct recruitees are not parties to the dispute of seniority in O.A.No.3037 of 1999 whereas respondents 2 to 6 herein are directly recruited candidates. Hence, the Writ Petition.

Heard the learned counsel and perused the Order impugned.

Before the Tribunal respondents 1 to 6 have produced a copy of the proceedings, dated 23.02.2002, issued by the Regional Joint Director of School Education, Kakinada wherein, it was indicated that the Commissioner and Director of School Education, A.P., Hyderabad vide proceedings dated 26.11.2001 has given a clarification that for the purpose of fixing seniority in the cadre of School Assistant, the date of appointment/absorption has to be taken, but not the date of sanctioning the upgraded scale. Based on such clarification, the District Educational Officers in Zone-II were requested vide proceedings dated 10.12.2001 of the Regional Joint Director of School Education, Kakinada to revise the seniority lists of School Assistants/Language Pandits Grade-I, which were submitted on 08.05.2000, 31.05.2001 and 13.10.2001 for considering promotions. Accordingly, the District Educational Officers submitted revised seniority lists in the cadre of School Assistants/Language Pandits Grade-I and that such seniority lists were integrated and Zonal integrated seniority list was prepared upto December, 1982. It is also indicated in the aforesaid proceedings dated 23.02.2002 that as 687 candidates were considered for promotion during the counseling, the review of promotions

given upto Sl.No.687 in the revised seniority list was taken as zone of consideration as furnished in Annexure-I for promotion to the posts of Headmasters/Mandal Educational Officers/Deputy Inspector of Schools. Out of them, 480 candidates were already promoted and 207 candidates are required to be promoted. The list containing the candidates to be promoted, based on the revised seniority list, was furnished in Annexure-II. The list of candidates, who were already promoted in the previous counselling but stand as juniors in the revised seniority list and who have to be reverted was furnished in Annexure-III. All the three annexures were communicated to the District Educational Officers and they were requested to give publicity in the newspapers and also invite objections, if any, from the candidates concerned upto 02.03.2002 and submit the same to the Office of the Regional Joint Director of School Education, Kakinada on or before 03.03.2002 along with their remarks on each representation for taking further action in regard to conducting counselling for further promotions.

In that view of the matter, the Tribunal held that appropriate orders, as sought for by respondents 1 to 6 herein, are already passed by the concerned authorities based on the Judgment, dated 04.05.2000, rendered by the Tribunal in O.A.No.3037 of 1999 and batch and it directed the third respondent therein to act upon the directions issued by the Government and the Director of School Education, A.P., Hyderabad in that regard. As and when the seniority lists communicated by the Regional Joint Director of School Education, Kakinada vide proceedings dated 23.02.2002 are finalized, respondents 1 to 6 were given liberty to question such final seniority list, if they are aggrieved by the same and accordingly, the Tribunal has disposed of the above said O.A.

The present Writ Petition is filed by the fifth respondent in the O.A who did not contest the matter before the Tribunal.

A reading of the impugned Order goes to show that no relief is granted to the unofficial respondents herein and the Tribunal merely gave liberty to the unofficial respondents to question the final seniority list, if they are aggrieved. In view of the same, we do not find any reason to interfere with the Order of the Tribunal.

Accordingly, the Writ Petition is dismissed at the stage of admission.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 29.08.2005

bsv/lvl